

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REVLON CONSUMER PRODUCTS LLC
and ELIZABETH ARDEN, INC.

Plaintiffs,

-against-

GIVE BACK BEAUTY S.A., et al.,

Defendants.

Case No. 1:24-cv-06438-ER-RWL

SUPPLEMENTAL DECLARATION OF J. CHRISTOPHER RACICH

I, J. Christopher Racich, declare and state as follows:

1. I am the President of Vestigant LLC (“Vestigant”). I am over the age of eighteen and competent to testify. I have personal knowledge of the subject matter set forth herein.
2. I previously submitted a declaration in the above matter on September 12, 2024 (“Racich Declaration”). All content from the Racich Declaration are incorporated within, and any definitions are to be used in this declaration.
3. I have reviewed the following publicly-filed pleadings subsequent to the execution of the Racich Declaration:
 - a. Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction filed September 20, 2024 (“Defendants’ MOL”);
 - b. The Declaration of Vanessa Kidd filed September 20, 2024 (“Kidd Declaration”);
 - c. The Declaration of Dominick Romeo filed September 20, 2024;
 - d. The Declaration of Reid Mulvihill filed September 20, 2024;

- e. The Declaration of Ashley Fass filed September 20, 2024 (“Fass Declaration”); and
- f. Evidentiary Objections in Opposition to Plaintiffs’ Motion for a Preliminary Injunction.

4. Based upon this review, I am providing the following.

Kidd Computer

5. In paragraphs 27–33 of the Kidd Declaration, Ms. Kidd testified that she uploaded “sensitive and confidential” files that existed solely on the Kidd Computer on May 3, 2024 to the Revlon network. She also testified that she performed this upload and then deleted the uploaded files from the Kidd Computer.

6. Exhibit C from the Racich Declaration, Tab “Jump Lists”, line 259, shows that the Target Created Date for the folder \\usnyc-na51\ea_share\groups\NY1MKTG\V.Kidd\Desktop 5.3.24, the root level of this folder, was created on May 3, 2024 at 4:25 pm on the Revlon network. This was confirmed by Revlon IT which provided me with a screen shot of the operating system metadata of the same folder showing the creation date of the folder being May 3, 2024 at 4:25 pm. *See* Linda King Decl., Ex. B.

7. This creation of the “Desktop 5.3.24” folder on May 3, 2024 at 4:25 pm and copying of data onto Revlon’s network does not account for the approximately 259 artifacts identified between 9:45 pm on May 3, 2024 and 12:15 am on May 4, 2024. The artifacts after 9:45 pm, rather, indicate the access and/or opening of these files and folders.

8. The 259 files or subfolders accessed after 9:45 pm are only a subset of the files from the “Desktop 5.3.24” folder that exists on the Revlon network. This indicates that only select folders and files copied onto the network at 4:25 pm were manually opened after 9:45 pm.

Files and folders accessed by Ms. Kidd on the evening of May 3, to the morning of May 4, 2024 were not the entirety of what existed in the “Desktop 5.3.24” location. This can be seen from the screenshot of the folder as it exists on the Revlon network as of September 23, 2024, provided by Revlon IT. *See* Linda King Decl., Ex. B.

9. Exhibit C from the Racich Declaration, tab “Jump Lists”, line 283 shows that the user of the Kidd Computer opened the file “\\usnyc-na51\ea_share\groups\NY1MKTG\V.Kidd\Fragrance Licenses\Britney Spears License\Britney License Agreement - Jan. 2010.pdf” on May 1, 2024 at 3:32 pm.

Fass Computer

10. In paragraphs 11-13 of the Fass Declaration, Ms. Fass testified that she had “occasionally utilized a personal external hard drive for work purposes.” Based on available information, the statement indicates that Ms. Fass is referencing the Toshiba Hard Drive described in the Racich Declaration. As stated in the Racich Declaration, the available forensic evidence shows that the first time that the Toshiba Hard Drive was attached to the Fass Computer was May 8, 2024. Exhibit C from the Racich Declaration, tab “Windows Event Logs – Storage,” supported by review of the Fass Computer Registry and system logs, shows the first and last attachment of the device to the Fass Computer, attached herein as Exhibit A.

11. As described in the Racich Declaration, when in certain forensic artifacts, a “Target File Created Date” is typically associated with when a file first exists on media. Review of all the artifacts on the Fass Computer with Target File Created Dates for files and folders on the Toshiba Hard Drive shows that while there is evidence of files and folders having Target File Created Dates on earlier dates than May 8, 2024, with the forensic artifacts available, this occurred in March 2020 and November 2019. Based on the fact that all available forensic

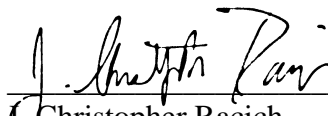
information for the Fass Computer shows that the Toshiba Hard Drive was first attached to the Fass Computer on May 8, 2024, these other files and folders were likely copied to the Toshiba Hard Drive using a different device than the Fass Computer.

12. In paragraph 11 of the Fass Declaration, Ms. Fass states that she has plugged the Toshiba Hard Drive into her GBB computer in addition to her Revlon computer, but that she has not downloaded Revlon trade secrets onto her GBB laptop. However, she does not disclose whether data of Revlon's documents might reside on that GBB laptop.

13. The act of opening files from the Toshiba hard drive while it was plugged into Ms. Fass's GBB computer could have transferred data or metadata onto the computer even if the documents opened were not downloaded to the GBB computer.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Vienna, Virginia on September 24, 2024.


J. Christopher Racich
President
Vestigant, LLC